

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALFREDO GALLARDO,)
)
Plaintiff,)
) Civil Case No.
vs.)
) Judge:
CHICAGO TRANSIT AUTHORITY,) Magistrate Judge:
)
Defendant.) JURY DEMANDED

COMPLAINT AT LAW

The Plaintiff, Alfredo Gallardo, by and through his attorneys, Andrew J. Cohen and Marshall J. Burt, hereby complains against the Defendant, Chicago Transit Authority, as follows:

Nature Of the Action

1. The Plaintiff, Alfredo Gallardo (“Gallardo”), is a male of Hispanic ancestry that was employed by Chicago Transit Authority (“CTA”) as a Rail Maintenance Manager. He was subjected to discrimination and harassment due to his race, ancestry and disability. Plaintiff complained about the discriminatory treatment, but nothing changed. As a result of the discrimination, harassment and complaints, he was denied training, treated differently and ultimately discharged. To redress these civil rights violations, the Plaintiff brings this action against the Defendant for race, ancestry and disability discrimination and retaliation in violation of 42 U.S.C. §2000e et seq. and 42 U.S.C. §12101 et seq.

Jurisdiction and Venue

2. On or about November 22, 2013, Gallardo filed a charge of discrimination against the Defendant with the Illinois Department of Human Rights and the Equal Employment Opportunity Commission (“EEOC”). On May 26, 2015, the EEOC issued a Notice of Suit Rights to Gallardo.

This action has been commenced within ninety days from the receipt of the right to sue notice. Accordingly, this Court has jurisdiction over this action pursuant to 42 U.S.C. §2000e-5(f) and 28 U.S.C. §1331 and §1343.

3. Venue is appropriate in this district court under 28 U.S.C. § 1391 (b) and (c) because the Defendant conducts business in this judicial district and is subject to personal jurisdiction in Illinois.

The Parties

4. The Plaintiff, Gallardo, is a male of Hispanic ancestry, residing in the Northern District of Illinois, Eastern Division.

5. The Defendant, CTA is an Illinois corporation. CTA operates facilities throughout the Chicagoland metropolitan area and employs in excess of five hundred employees. It provides transportation services by bus and rail.

6. The Plaintiff was hired by the Defendant in approximately May 2013 in the position of Rail Maintenance Manager.

7. Prior to the events alleged herein, Gallardo consistently performed his job duties in a satisfactory manner.

COUNT I

(Violation of 42 U.S.C. §2000 et seq. – Race and Ancestry Discrimination)

1-7. Plaintiff incorporates Paragraphs 1 through 7 above as Paragraph 1 through 7 of this Count I.

8. In 2013, Gallardo was placed into the position of Rail Maintenance Manager and provided no job specific training.

9. Although Gallardo repeatedly requested help and training, none was forthcoming.

10. In addition, Gallardo was denied equipment, keys and other tools necessary to perform his job.

11. When he asked for the equipment, his requests were usually denied entirely or delayed for an extended period of time.

12. Gallardo complained about the lack of training, lack of equipment and being treated differently than non-Hispanic employees, but the adverse treatment nevertheless continued.

13. On or about October 25, 2013, Gallardo was told he was being terminated.

14. The Plaintiff was subjected to different terms and conditions of employment on the basis of his race and ancestry by the Defendant.

15. The foregoing disparate treatment of Gallardo constitutes harassment and discrimination against him because of his race and ancestry - Hispanic - in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000 et seq.

16. As a direct result of the discrimination, Gallardo suffered and continues to suffer wage loss, extreme emotional distress, humiliation, and other financial harm.

17. The acts of the Defendant were done with malice or reckless indifference to the Plaintiff's federally protected rights.

Wherefore, the Plaintiff, Alfredo Gallardo, hereby requests that judgment be entered in his favor and against the Defendant, Chicago Transit Authority, and to award him the following relief:

- a. Declare that the acts and practices complained of herein are in violation of Title VII, 42 U.S.C. § 2000 et seq.;
- b. Restrain and permanently enjoin these violations of Title VII;
- c. Direct the Defendant, CTA, to take such affirmative action as is necessary to ensure that the effects of these unlawful practices are eliminated and do not continue;
- d. Award Plaintiff actual damages;

- e. Award Plaintiff compensatory damages and damages for his mental anguish and humiliation, back pay and front pay;
- f. Award Plaintiff interest;
- g. Award Plaintiff his costs incurred in connection with this action, including reasonable attorneys' fees as provided by 42 U.S.C. § 2000e-6(k); and
- h. Grant Plaintiff such other and further relief as this Court deems just and proper.

COUNT II

(Violation of 42 U.S.C. §12101 et seq. – Disability Discrimination)

1-17. Gallardo incorporates Paragraphs 1 through 15 of Count I as Paragraphs 1 through 15 of this Count II.

18. At all times during his employment, Gallardo performed his job in a satisfactory manner.

19. During his employment, Gallardo experienced and suffered from depression disorder and anxiety disorder.

20. During his employment, Gallardo was a qualified individual with a disability pursuant to 42 U.S.C. §12131(2)

21. CTA was aware of Gallardo's medical conditions.

22. On or about October 25, 2013, CTA terminated Gallardo due to his medical conditions.

23. CTA's termination of Gallardo was a violation of his civil rights under the ADA.

24. As a direct result of the discrimination, Gallardo suffered and continues to suffer emotional distress, humiliation, lost wages and other damages.

25. The acts of the Defendant were done with malice or reckless indifference to the plaintiff's federally protected rights.

Wherefore, the Plaintiff, Alfredo Gallardo, hereby requests that judgment be entered in his favor and against the Defendant, CTA, and to award him the following relief:

- a. Declare that the acts and practices complained of herein are in violation of the Americans with Disabilities Act, as amended;
- b. Restrain and permanently enjoin these violations;
- c. Direct the Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful practices are eliminated;
- d. Award Plaintiff actual damages;
- e. Award Plaintiff any pay he may be due;
- f. Award Plaintiff compensatory damages and damages for his mental anguish and humiliation;
- g. Award Plaintiff interest;
- h. Award Plaintiff his costs incurred in connection with this action, including reasonable attorneys' fees; and
- i. Grant plaintiff such other and further relief as this Court deems just and proper.

PLAINTIFF DEMAND A JURY ON ALL CLAIMS

Respectfully submitted,

ALFREDO GALLARDO

By: /s/ Andrew J. Cohen
One of his attorneys

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